

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Paramount Unified School District, for an order authorizing to: construct a pedestrian overcrossing and convert an existing private at-grade pedestrian crossing to a public limited-use (Handicap Accessible) at grade pedestrian crossing along the school property midway between Paramount Boulevard and Downey Avenue, located in the City of Paramount, Los Angeles County, State of California.

Application 04-07-025
(Filed July 14, 2004)

O P I N I O N**Summary**

This decision grants the Paramount Unified School District (District) authority to construct a grade-separated pedestrian crossing over one track owned by Los Angeles County Metropolitan Transportation Authority (MTA), and operated and maintained by Union Pacific Railroad Company (UP), and to convert an existing private at-grade pedestrian crossing at the same location to a public, limited-use, at-grade pedestrian crossing between the north and south campuses of Paramount High School, at milepost 496.49 of the Paramount Industrial Lead in the City of Paramount (City), Los Angeles County.

Discussion

The District operates student facilities for Paramount High School both north and south of the Paramount Industrial Lead. MTA owns the railroad right-of-way, while UP has full responsibility for maintenance and operation along

this section of track. In approximately 1997, train service was terminated and an agreement between the District, UP, and MTA, established a private at-grade pedestrian railroad crossing to be used by students.

Train service along this track was subsequently resumed as part of a project that removed 29 at-grade crossings along UP's West Santa Ana Branch (CPUC Line No. 001BBL). The project required reactivation of the portion of this line that diagonally bisects the Paramount High School campus, where the existing private at-grade crossing is located. This reactivated portion, referred to as the "Paramount Industrial Lead," is used to serve a local industry. Upon resuming service along the track, the District agreed to use a locked gate at the crossing to limit student access onto the railroad right-of-way.

There are approximately two train movements through this crossing each day, usually during school hours. Trains travel at a speed not to exceed 10 MPH and consist of tanker cars serving the nearby oil refinery. There is a stop order for trains at the crossing of Paramount Boulevard about 3/10 of a mile north, and the rail yard serving the refinery starts near the Downey Avenue crossing 3/10 of a mile south.

The District proposes to construct a grade separation over the tracks to be used by students traveling between the north and south campuses of Paramount High School. This will greatly reduce the potential for conflicts between trains and pedestrians. However, because the proposed grade separation will be unable to accommodate physically disabled students, limited access to the at-grade crossing will be allowed for such students with the presence of a school official.

The District states that it would not be cost-effective to include Americans with Disabilities Act (ADA) accessible facilities with the grade-separated

crossing. The District therefore proposes to convert the existing private at-grade pedestrian rail crossing to a public, limited-use, ADA accessible, at-grade pedestrian crossing. This will be made available only to students with physical disabilities who may have difficulty accessing the grade-separated crossing. To prevent unauthorized students from accessing the railroad right-of-way, locked gates will continue to be provided in accordance with the District's current agreement with the MTA. The agreement states that the at-grade pedestrian crossing will be limited to use by handicapped and/or disabled students under the supervision of a school official, and that gates and accessways to the at-grade crossing must be closed and locked otherwise.

The details of the grade-separated crossing and the at-grade crossing are discussed in the application and plans, and are attached as Appendix A.

The application does not discuss the installation of signage on approach to the at-grade pedestrian crossing. Commission General Order (GO) 75-C, Section 6, requires that two standard railroad grade crossing signs be installed at all newly opened public at-grade crossings. At least one Commission Standard No. 1-D (modified) sign, with the words "Pedestrian Railroad Grade Crossing," should be installed on each approach. As permitted by GO 75-C, the sign should omit the wording "and bicycles" since the crossing is only for limited use by handicapped and/or disabled pedestrians. Installation of these signs does not significantly modify the scope or cost of the project, is required by GO 75-C, and the District indicated verbally that appropriate signage will be installed.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA, as amended in 1982), as stated in Public Resources Code Section 21000 et seq. On June 22, 2004, in compliance with CEQA, the City filed the Notice of Exemption (NOE) with the County of

Los Angeles, attached as Appendix B. The NOE states that the project is exempt from CEQA review pursuant to Categorical Exemption Section 15301 of the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

The Commission reviewed and considered the lead agency's Notice of Exemption and found it adequate for our decision-making purposes. We find that the City reasonably concluded that the pedestrian crossing modifications were exempt from CEQA. Accordingly, we adopt the NOE for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) staff inspected the site of the proposed crossing. After reviewing the need for and the safety of the proposed crossing, RCES recommends that the Commission grant the District's request.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

Categorization and Need for Hearing

In Resolution ALJ 176-3137, dated August 19, 2004, and published in the Commission Daily Calendar on August 20, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that

hearings were not necessary. Since no protests were filed, this preliminary determination remains correct. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3137.

Waiver of Comment Period

The District requests to waive the 30-day period for public comment. As this is an uncontested matter in which the decision grants the relief requested, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published a Notice of the Application in the Commission Daily Calendar on July 19, 2004. There are no unresolved matters or protests; a public hearing is not necessary.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct a grade-separated pedestrian crossing over one track owned by MTA and maintained by UP at milepost 496.49 of the Paramount Industrial Lead (previously West Santa Ana Branch).
3. The grade-separated crossing is necessary to provide students with a practical and safe route between the north and south campuses.
4. Public convenience, safety, and necessity require the grade-separated pedestrian crossing.
5. The District requests authority, under Public Utilities Code Sections 1201-1205, to convert a private at-grade pedestrian crossing to a public, limited-use, at-grade pedestrian crossing over one track owned by MTA and maintained by UP

at milepost 496.49 of UP's Paramount Industrial Lead (previously West Santa Ana Branch).

6. The at-grade, limited-use pedestrian crossing is necessary to provide handicapped and/or disabled students with a practical and safe route between the north and south campuses.

7. Public convenience, safety, and necessity require the at-grade limited-use pedestrian crossing.

8. Public safety requires that the at-grade pedestrian crossing be limited to use by handicapped and/or disabled students under the supervision of a school official, and that gates and accessways to the at-grade crossing be closed and locked otherwise.

9. Public safety and GO 75-C require that the Commission Standard No. 1-D (modified) sign, with the words "Pedestrian Railroad Grade Crossing," be installed on each approach to the crossing.

10. The City is the lead agency for this project under CEQA, as amended.

11. The City determined that the project is exempt from CEQA review pursuant to CEQA Guideline Section 15301.

12. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Notice of Exemption.

13. Safety, transportation, and noise are within the scope of the Commission's permitting process.

Conclusions of Law

1. The Application is uncontested and a public hearing is not necessary.

2. The City reasonably concluded that the project is exempt from CEQA and we adopt that finding for purposes of our approval.

3. The Application should be granted as set forth in the following order.

ORDER**IT IS ORDERED** that:

1. The Paramount Unified School District (District) is authorized to construct a grade-separated pedestrian crossing over one track of the Los Angeles County Metropolitan Transportation Authority (MTA) in City of Paramount, Los Angeles County, at the location and substantially as described in and as shown by plans attached to the Application, and as shown by the plans in Appendix A attached to this order, to be identified as CPUC Crossing No. 001BBL-496.49-AD.

2. The District is authorized to convert a private pedestrian crossing to a public, limited-use (Handicap Accessible), at-grade pedestrian crossing, over one MTA track in City of Paramount, Los Angeles County, at the location and substantially as described in and as shown by plans attached to the Application, and as shown by the plans in Appendix A attached to this order, to be identified as CPUC Crossing No. 001BBL-496.49-D.

3. The District shall keep gates and accessways to the at-grade pedestrian crossing closed and locked at all times, except while handicapped and/or disabled students are crossing the tracks and are supervised by a school official.

4. The District shall install at minimum one Commission Standard No. 1-D (modified) sign, with the words "Pedestrian Railroad Grade Crossing," facing each approach to the crossing.

5. Within 30 days after completion of the work under this order, Union Pacific Railroad Company shall notify the Rail Crossings Engineering Section in writing of the completion by submitting a Commission Form G (Report of Changes at Highway Grade Crossings and Separations).

6. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. The

Commission may revoke or modify authorization if public convenience, necessity or safety so require.

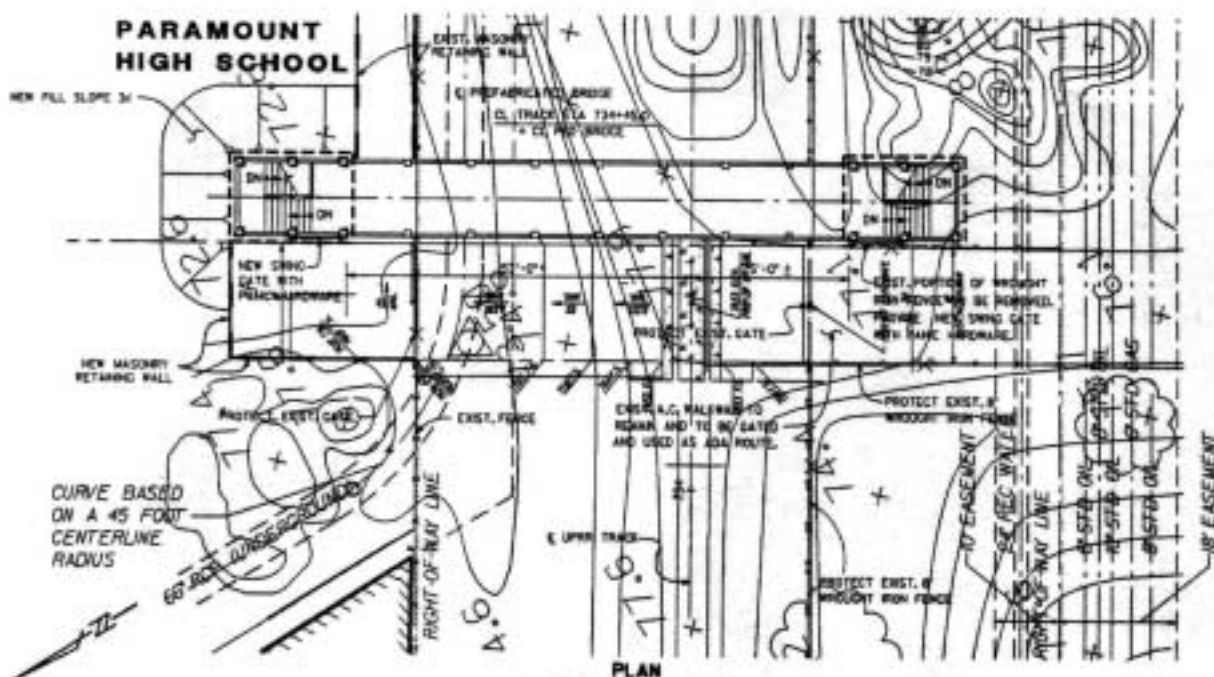
7. The Application is granted as set forth above.

8. Application 04-07-025 is closed.

This order is effective today.

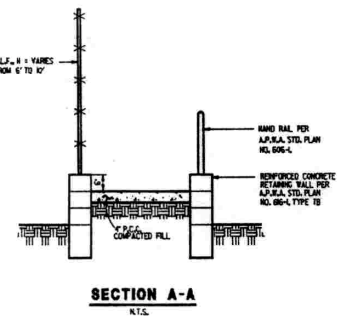
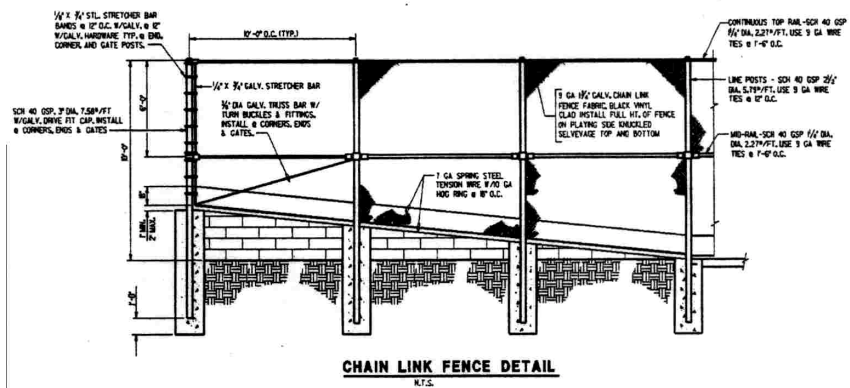
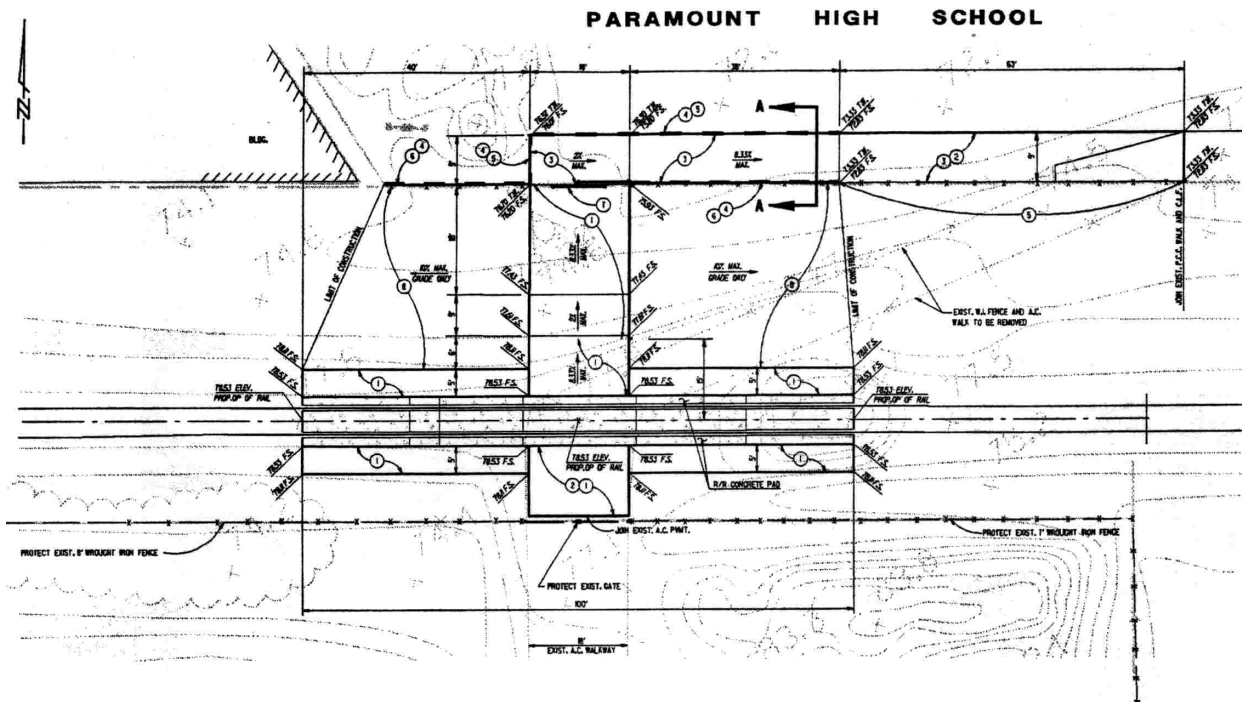
Dated _____, at San Francisco, California.

PLANS



APPENDIX A-2

PLANS



NOTICE OF EXEMPTION

Notice of Exemption

Form D

To: ☐ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-044

From: (Public Agency) City of Paramount

16400 Colorado Boulevard

Paramount, California 90723

(Address)

☒ County Clerk
County of Los Angeles
12400 E. Imperial Highway
Norwalk, California 90650

Project Title: Paramount High School Pedestrian Overhead and At-Grade Crossing

Project Location – Specific: Along Paramount High School property located approximately midway between Paramount Boulevard and Downey Avenue.

Project Location – City: Paramount

Project Location – County: Los Angeles

Description of Project: Construction of a pedestrian overcrossing and conversion of an existing private at-grade pedestrian crossing to a public limited-use (Handicap Accessible) at-grade pedestrian crossing.

Name of Public Agency Approving Project: City of Paramount

Name of Person or Agency Carrying Out Project: Paramount Unified School District

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 1, Sec. 15301

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt: The crossings are accessories to existing uses, is for the purpose of enhancing public safety and convenience, will serve existing facilities with no expansion of use, and no historic resources will be adversely affected.

Lead Agency

Contact Person: Bill Pagett

Area Code/Telephone/Extension: (562) 908-6214

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: William Pagett Date: JUNE 21, 2004 Title: City Engineer

☒ Signed by Lead Agency

Date received for filing at OPR: _____

☐ Signed by Applicant

Revised May 1999